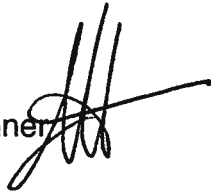


County of Loudoun
Department of Planning
MEMORANDUM

DATE: April 29, 2009

TO: Judi Birkitt, Project Manager
Land Use Review

FROM: Marie Genovese, AICP, Planner
Community Planning



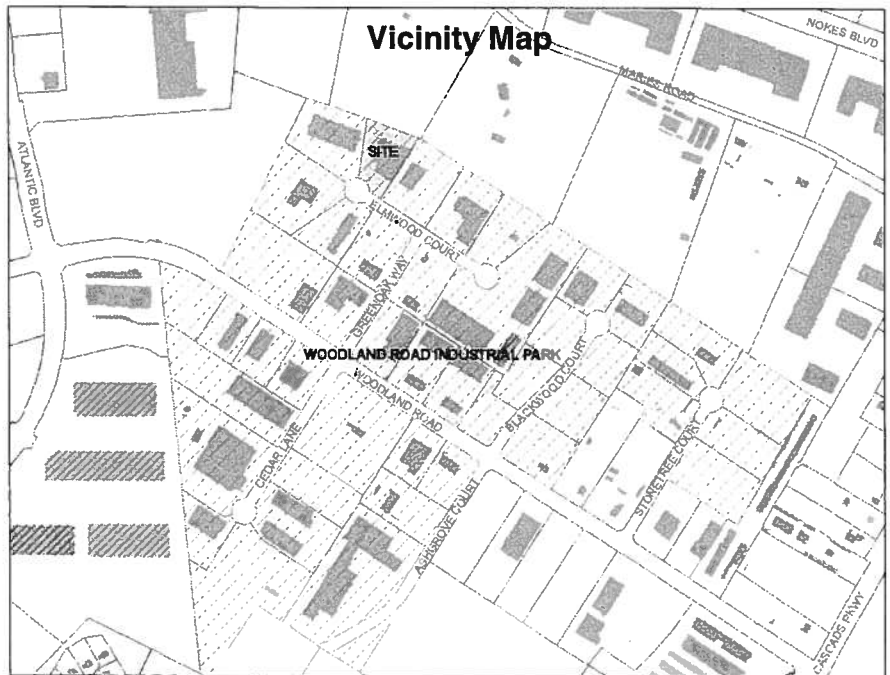
SUBJECT: ZCPA 2008-0005 & ZMOD 2008-0012, Chaudhry Property - 2nd Referral

BACKGROUND

Nasrullah Chaudhry and Shaista Chaudhry are seeking to amend the Concept Development Plan for the approved Woodland Road Industrial Park (ZMAP 1986-0022) to reduce the rear yard buffer from 55 feet to 15 feet, eliminate the proffered commercial office space use restriction and amend the proffered parking standards for warehouse uses. The applicant is also seeking a Zoning Ordinance Modification to reduce the required width of the Type IV rear yard buffer from 30 feet to 15 feet.

The subject property is located on Elmwood Court within the Woodland Road Industrial Park; west of Cascades Parkway, east of Atlantic Boulevard and south of Maries Road (See Vicinity Map). The property is located within the Route 28 Highway Improvement Transportation

District (HITD) and is zoned PD-GI (Planned Development-General Industrial), governed under the provisions of the 1972 Zoning Ordinance.



The applicant has responded to Community Planning's first referral dated October 9, 2008. While the applicant has addressed several issues since the first referral such as, updating the Concept Plan to include a pedestrian walkway, bicycle parking, and a low impact development technique, outstanding issues remain. Staff has outlined outstanding issues below.

OUTSTANDING ISSUES

BUILT ENVIRONMENT

Overall, the Plan calls for new development to achieve and sustain a built environment of high quality (*Revised General Plan, Chapter 5, Built Environment Policy 1*). The proposed commercial office space is proposed to be located within an existing building.

Parking

Two loading spaces and 25 parking spaces are currently located on site. The applicant is seeking to reduce the rear yard buffer approved with ZMAP 1986-0022 from 55 feet to 15 feet. The applicant is further seeking a Zoning Ordinance Modification to reduce the Type IV buffer width from 30 feet to 15 feet. The applicant is proposing an additional 20 parking spaces to support the requested office space, 18 of which are located within the 55-foot rear yard buffer. The applicant is also requesting an amendment to the approved proffers changing the parking standards from 1 space per 800 net square feet for warehouse uses and 1 space per 275 net square feet for office uses to 0.5 space per 1,000 square feet for warehouse uses (Proffer 13). Staff notes that the parking tabulations as provided on the Concept Plan have been calculated incorrectly. It appears that the parking proposed is consistent with the approved proffers (ZMAP 1986-0022); therefore, the amendment to the proffered parking standards is not necessary.

Staff does not support amending the proffered parking standards for warehouse uses as proposed parking is consistent with the approved proffers.

Landscaping and Buffering

The *Revised General Plan* calls for landscape screening of parking, storage, and loading areas from adjacent streets and residential areas in order to reduce the visual impact, provide shade, and reduce the heat absorption of the parking area (*Revised General Plan, Chapter 6, General Business Land Use Policy 5*). As stated above, the applicant is seeking to reduce the rear yard buffer and the Type IV buffer width. Staff notes that parking and a trash receptacle are proposed along the rear property boundary. The County Forester conducted a site visit with the applicant and determined that a row of evergreens as a substitute to the proffered double staggered row of White Pines would be an improvement. The applicant is proposing a mix of Leyland Cypress (7) and Holly (8) as an alternative to the proffered double staggered row of White Pines. The County Forester also noted that several small oaks located along the northern property boundary are worthy of preservation and will also help to provide a buffer between the subject property and the property to the north. The response to staff's comments provides that any existing tree vegetation on the property that is not

impacted by the proposed modified parking will be retained; however, staff notes these areas have not been delineated as Tree Conservation Areas on the submitted Concept Plan. The applicant has also included a 6-foot board on board fence along the northern property boundary. The note on the Concept Plan provides the fence will be installed in the future when the parcel to the north is developed to within 100 feet of the applicant's property line. Staff has concerns regarding the enforcement of this commitment in the future and recommends it be provided at this time.

Staff recommends the applicant designate existing vegetation that will not be impacted by the modified parking as Tree Conservation Areas (See Forests, Trees, and Vegetation discussion below). Staff further recommends the 6-foot fence be provided at this time to accommodate the requested reduction in the rear yard buffer.

Lighting

Outdoor lighting should be designed for effective nighttime use while reducing off-site glare to a minimum (Revised General Plan, Chapter 6, General Business Land use Policy 5). Note 1 on the Existing Conditions Plan (Sheet 2) states per the Facilities Standards Manual (FSM) Section 7-110 B-2 the site will not provide service to the public therefore site lighting is not required. Please note that the correct section of the FSM is 7-110 C-2. The response to staff's comments provides the applicant will commit to lighting that is directed downward and shielded to eliminate glare and light trespass for the rear of the building to accommodate the additional parking area; however, no such commitment has been included.

Staff recommends the applicant update Sheet 2 to correctly reference the appropriate section of the FSM. Staff further recommends the applicant include commitments for parking lot lighting that is directed downward and shielded to eliminate glare and light trespass.

B. EXISTING CONDITIONS

Stormwater Management

The County encourages developments to incorporate low impact development (LID) techniques (Revised General Plan, Chapter 5, Surface Water Policy 2). Per staff's request, the applicant has delineated a water quality basin – filtera in the southeastern portion of the project. Staff commends the applicant for providing LID on site; however, cautions the applicant against naming a specific product.

Staff recommends the applicant update the Concept Plan adding that a water quality basin – filtera or devise with similar pollutant removal efficiency will be provided in the area depicted on the Concept Plan.

Forests, Trees, and Vegetation

The Plan calls for the protection of forests and natural vegetation for the various economic and environmental benefits that they provide, and for the submittal and approval of a tree conservation or forest management plan prior to any land development that "demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area" (*Revised General Plan, Chapter 5, Forests, Trees, and Vegetation Policies 1 & 3*). Existing vegetation is present along the property's northern boundary. The response to staff's comments provides that during a site visit with the County Forester the applicant agreed to preserve existing vegetation not impacted by the modified parking; however, Tree Conservation Areas have not been delineated on the Concept Plan.

Staff recommends the applicant identify and provide information regarding the preservation of existing vegetation. Staff defers to the Environmental Review Team for recommendations regarding preservation of designated Tree Conservation Areas.

RECOMMENDATIONS

The amount of office uses proposed as well as the design of the site is not supported by the Keynote Employment policies of the Plan. However, the subject property is surrounded by industrial uses which do not further the Keynote Employment vision of the Plan. The proposed application to permit commercial office space better meets the intent of the Plan than the surrounding industrial uses. Therefore, staff finds that the application to amend the proffers to eliminate the commercial office building use restriction is reasonable provided the applicant addresses the built environment and existing condition issues described above.

cc: Julie Pastor, AICP, Director, Planning
Cynthia Keegan, AICP, Program Manager, Community Planning via e-mail

County of Loudoun
Department of Planning
MEMORANDUM

DATE: October 9, 2008

TO: Judi Birkitt, Project Manager
Land Use Review

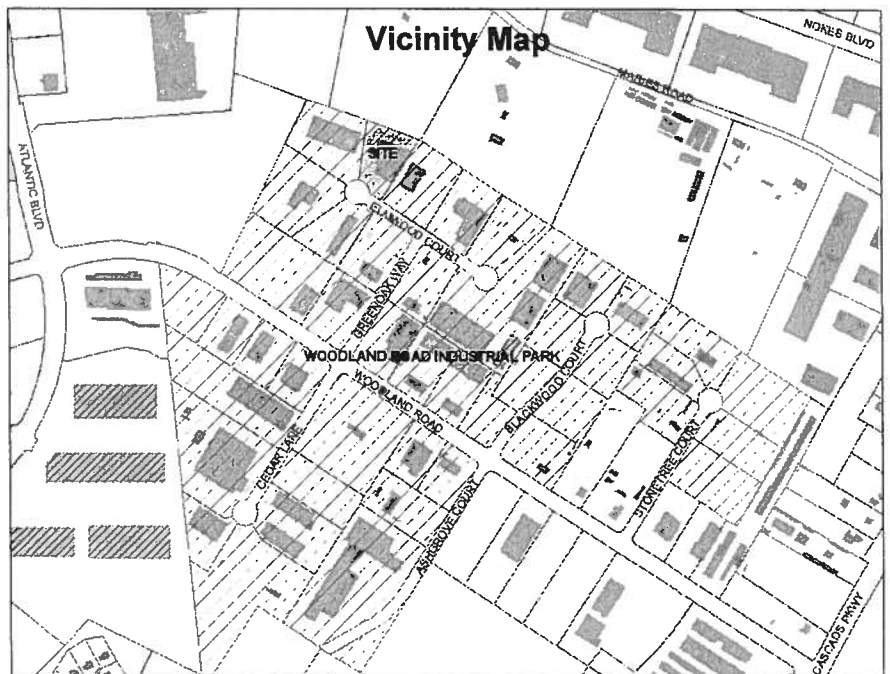
FROM: Marie Genovese, AICP, Planner
Community Planning

SUBJECT: ZCPA 2008-0005 & ZMOD 2008-0012, Chaudhry Property

BACKGROUND

Nasrullah Chaudhry and Shaista Chaudhry are seeking to amend the Concept Development Plan for the approved Woodland Road Industrial Park (ZMAP 1986-0022) to reduce the rear yard buffer from 55 feet to 15 feet and to eliminate the proffered commercial office space use restriction. The applicant is also seeking a Zoning Ordinance Modification to reduce the required width of the Type IV rear yard buffer from 30 feet to 15 feet.

The subject property is located on Elmwood Court within the Woodland Road Industrial Park; west of Cascades Parkway, east of Atlantic Boulevard and south of Maries Road (See Vicinity Map). The property is located within the Route 28 Highway Improvement Transportation District (HITD) and is zoned PD-GI (Planned Development-General Industrial), governed under the provisions of the 1972 Zoning Ordinance.



A review of County's GIS records and submission materials indicates tree cover is located on the subject site.

COMPLIANCE WITH THE COMPREHENSIVE PLAN

The property is located in the Sterling Community of the Suburban Policy Area and is specifically governed by the Revised General Plan and Revised Countywide Transportation Plan (CTP) as adopted July 23, 2001, as well as the Eastern Loudoun Area Management Plan (ELAMP). Being the newer of the two plans, the Revised General Plan supersedes the ELAMP when there is a policy conflict between the two (*Revised General Plan, Chapter 1, Relationship to Other County Planning Documents Text*). The policies of the Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) also apply.

ANALYSIS

A. Land Use

The Revised General Plan identifies the site as suitable for Keynote Employment uses (*Revised General Plan, Chapter 7, Planned Land Use Map*). Keynote Employment Centers are intended to be "100-percent premier office or research-and-development centers supported by ancillary retail and personal services for employees" (*Revised General Plan, Chapter 6, Keynote Employment Centers Text*). The County targets properties along Route 7, Route 28, and the Dulles Greenway for large-scale, Keynote Employment developments (*Revised General Plan, Chapter 6, Keynote Employment Centers Text*).

Proffer 6 approved with ZMAP 1986-0022 states the applicant shall not use the subject property for "commercial office building" uses except accessory commercial office uses even though the use is a permitted use listed in the 1972 Zoning Ordinance, unless the applicant applies for and receives the approval of the Board of Supervisors for a special exception for such use. The applicant seeks to amend the proffers, eliminating the commercial office building use restriction.

The property contains an existing 20,093 square foot building in which the applicant is requesting 9,360 square feet be permitted to develop with commercial office space. The Plan's intent for Keynote Employment centers is a campus-style development housing business headquarters with heavily landscaped greens and tree-lined boulevards (*Revised General Plan, Chapter 6, Keynote Employment Centers Text*). The applicant is proposing approximately 47% of the existing building to consist of office uses while the remaining 53% of the building will be retained for uses permitted by ZMAP 1986-0022. While the amount of office proposed as well as the design of the site do not meet the Plan's intent for Keynote Employment Centers, the area surrounding the site does not meet the Plan's intent for Keynote Employment uses either and must be taken into account when reviewing the proposed application.

The amount of office proposed as well as the design of the site do not meet the Plan's intent for Keynote Employment Centers; however, given the subject property is not located along a prominent Keynote Employment corridor and the

A-6

surrounding area has developed differently than what is envisioned by the Plan, the proposal to permit commercial office space on the proposed site is reasonable.

B. BUILT ENVIRONMENT

Overall, the Plan calls for new development to achieve and sustain a built environment of high quality (*Revised General Plan, Chapter 5, Built Environment Policy 1*). The proposed commercial office space is proposed to be located within an existing building.

Parking and Loading

Two loading spaces and 25 parking spaces are currently located on site. The applicant is seeking to reduce the rear yard buffer approved with ZMAP 1986-0022 from 55 feet to 15 feet. The applicant is further seeking a Zoning Ordinance Modification to reduce the Type IV buffer width from 30 feet to 15 feet. The applicant is proposing an additional 20 parking spaces to support the requested office space, 18 of which are located within the 55-foot rear yard buffer.

The Plan calls for parking to be located to the rear of buildings and visually screened from adjacent streets (*Revised General Plan, Chapter 11, Light Industrial and Regional Office Design Guidelines Text*). Parking should not exceed what is required in the Zoning Ordinance (*Revised General Plan, Chapter 6, Suburban Parking Policy 1*). The applicant is proposing 1 parking space above what is required in the Zoning Ordinance. See Landscape and Buffering discussion below regarding screening the proposed parking.

Landscaping and Buffering

The *Revised General Plan* calls for landscape screening of parking, storage, and loading areas from adjacent streets and residential areas in order to reduce the visual impact, provide shade, and reduce the heat absorption of the parking area (*Revised General Plan, Chapter 6, General Business Land Use Policy 5*). As stated above, the applicant is seeking to reduce the rear yard buffer and the Type IV buffer width. Staff notes that parking and a trash receptacle are proposed along the rear property boundary. The Statement of Justification provides that the applicant "will proffer to plant the reduced buffer yard beyond the level required by a Type IV buffer". No information has been included regarding any additional plantings beyond the Type IV buffer requirement.

Staff requests a landscape plan detailing the proposed enhanced Type IV buffer. Staff recommends the applicant commit to the landscape plan.

Pedestrian and Bicycle Circulation

The Plan calls for pedestrian and vehicular circulation in and around business uses to form a safe and convenient network (*Revised General Plan, Chapter 6, General Business Land Use Policy 5*). No information has been provided regarding pedestrian circulation.

Staff recommends revising the Concept Plan to show pedestrian access from the parking area to the building.

Adequate bicycle parking should be provided at places of employment, within shopping centers and districts, etc. (*Bike/Ped Plan, Chapter 4, Bicycle Amenities Policy 1 and CTP, Chapter 2, Pedestrian and Bicycle Facilities Policy 10*). The County encourages showers, clothing lockers, and changing rooms at places of employment (*Bike/Ped Plan, Chapter 4, Bicycle Amenities Policy 1d and CTP, Chapter 2, Pedestrian and Bicycle Facilities Policy 10*).

Staff recommends including a sufficient number of bicycle racks in support of non-vehicular modes of transportation to this project. Staff further recommends the applicant consider the provision of showers, clothing lockers, and changing rooms.

Lighting

Outdoor lighting should be designed for effective nighttime use while reducing off-site glare to a minimum (*Revised General Plan, Chapter 6, General Business Land use Policy 5*). Note 1 on the Existing Conditions Plan (Sheet 2) states the site will not provide service to the public therefore site lighting is not required. Staff notes that for safety purposes the applicant may wish to provide parking lot lighting for the employees.

Staff recommends the applicant commit to lighting that is directed downward and shielded to eliminate glare and light trespass.

C. EXISTING CONDITIONS

Stormwater Management

The County encourages developments to incorporate low impact development (LID) techniques (*Revised General Plan, Chapter 5, Surface Water Policy 2*). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source. LID's goal is to mimic a site's predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate, and detain stormwater runoff. LID locates water quality measures at the closest possible proximity to proposed impervious areas. Note 3 on the Existing Conditions Plan (Sheet 2) states that a combined stormwater management facility has been provided for the entire Woodland Road Industrial Park including the subject property. No information has been provided regarding LID. Staff notes that the south central portion of the subject property adjacent to Elmwood Court may be appropriate for an infiltration area.

Staff recommends the applicant commit to an infiltration area in the south central portion of the subject property as a way to offset the increased impervious surface (additional parking spaces) proposed with the project.

Forests, Trees, and Vegetation

The Plan calls for the protection of forests and natural vegetation for the various economic and environmental benefits that they provide, and for the submittal and approval of a tree conservation or forest management plan prior to any land development that "demonstrates a management strategy that ensures the long-term sustainability of any designated tree save area" (*Revised General Plan, Chapter 5, Forests, Trees, and Vegetation Policies 1 & 3*). Existing vegetation is present along the property's northern boundary. The Concept Plan (Sheet 3) identifies that some trees will be preserved on site; however these areas have not been delineated as Tree Conservation Areas. Furthermore, it is unclear whether the critical root zone of the vegetation on the property to the north will be protected during construction of the parking area.

Staff recommends the applicant identify and provide information regarding the preservation of existing vegetation. Staff defers to the Environmental Review Team for recommendations regarding preservation of designated Tree Conservation Areas. Staff further recommends a Professional Forester or Certified Arborist survey the proposed development to ensure the proposed parking area will not impact the critical root zone of vegetation on the property to the north.

RECOMMENDATIONS

The amount of office proposed as well as the design of the site is not supported by the Keynote Employment policies of the Plan. The subject property is not located along a prominent Keynote Employment corridor nor has the surrounding area developed as envisioned by the Plan. However, the proposed application to permit commercial office space better meets the intent of the Plan than the surrounding industrial uses. Therefore, staff finds that the application to amend the proffers to eliminate the commercial office building use restriction is reasonable provided the applicant addresses the built environment and existing condition issues described above.

Staff is available to meet with the applicant to discuss any comments or questions.

cc: Julie Pastor, AICP, Director, Planning
Cynthia Keegan, AICP, Program Manager, Community Planning via e-mail

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: April 24, 2009

TO: Judi Birkitt, Project Manager
Department of Planning

FROM: John D. Kirby, Planner

THROUGH: Marilee L. Seigfried, Deputy Zoning Administrator

CASE NUMBER AND NAME: ZCPA-2008-0005 & ZMOD-2008-0012

TAX MAP / PARCEL NUMBERS: /81/B/5////10/

MCPI: 030-28-0542

The associated parcels are zoned PD-GI under the 1972 Loudoun County Zoning Ordinance. Zoning Administration has reviewed the above referenced **Zoning Concept Plan Amendment (ZCPA) & Zoning Modification (ZMOD)** applications for conformance to the 1972 Loudoun County Zoning Ordinance.

The applications include requests to amend the Concept Plan approved in connection with ZMAP-1986-0022 Loudoun Woodland Road Joint Venture, to reduce the proffered rear yard buffer from 55' to 15', to eliminate the prohibition against commercial office space, and to modify the Type 4 buffer yard requirements.

ZONING CONCEPT PLAN AMENDMENT

1. On Sheet 3 under parking tabulations, it is unclear as to why the applicant has parked the property at gross floor area instead of at net floor area as stated in the approved proffers. By parking at net per the proffer, there is adequate parking on the property without the need for a modification. It is not necessary to rewrite the proffer to make it more consistent with the Revised 1993 Loudoun County Zoning Ordinance, as that ordinance does not apply to this application.
2. Staff does not support future installation of a board on board fence. The applicant has requested a reduction of 55' to 15' for the buffer yard; the fence has been proposed to off set the reduced buffer. Staff has no way of initiating a trigger or any way to require the applicant to install the fence when an adjacent property develops.

PLAN COMMENTS

1. Provide the required setbacks, required yards, and buffers on the Concept Plan. Identify the yards that appear to be in place but are not identified on the Concept Plan.
2. Remove the excess loading space that appears to still be located on the plan, but is not identified.

PROFFER COMMENTS

1. Proffer 13 should remain the way it was originally written, but the plan should be changed to reflect net square footage.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: November 14, 2008

TO: Judi Birkitt, Project Manager
Department of Planning

FROM: John D. Kirby, Planner *JD*

THROUGH: Marilee L. Seigfried, Deputy Zoning Administrator *mls*

CASE NUMBER AND NAME: ZCPA-2008-0005 & ZMOD-2008-0012

TAX MAP / PARCEL NUMBERS: /81/B/5////10/

MCPI: 030-28-0542

The associated parcels are zoned PD-GI under the 1972 Loudoun County Zoning Ordinance. Zoning Administration has reviewed the above referenced **Zoning Concept Plan Amendment (ZCPA) & Zoning Modification (ZMOD)** applications for conformance to the 1972 Loudoun County Zoning Ordinance.

The applications include requests to amend the Concept Plan approved in connection with ZMAP-1986-0022 Loudoun Woodland Road Joint Venture to reduce the proffered rear yard buffer from 55' to 15', to eliminate the prohibition against commercial office space, and modify the Type 4 buffer yard requirements.

ZONING CONCEPT PLAN AMENDMENT

1. Staff has no objection to allowing commercial office; however, it appears that the required parking can only be accommodated if the buffer yard is permitted to be reduced to 15'. As discussed under Modification below, staff recommends a minimum width of 25'. Note: Once the property is parked in accordance with the proffer, the site may be able to park a lesser amount. Specific parking requirements will be reviewed at site plan.
2. There are inconsistencies between the Statement of Justification and Concept Plan regarding the amount of Office requested, Clarify.
3. Provide a breakdown of the proposed uses other than in Parking Tabulations.
4. On Sheet 3 under parking tabulations explain the reference to Assembly Space. Assembly Space is not a listed use in the PD-GI zoning district.
5. Illustrate on the Concept Plan Amendment and on the original Concept Plan, as an exhibit, the specific area for which the amendment is requested and amend the original drawing accordingly.

PLAN COMMENTS

1. On Sheet 1 change the title to state "Zoning Concept Plan Amendment."
2. On Sheet 1 Identify the Application Numbers ZCPA-2008-0005 & ZMOD-2008-0012
3. On Sheet 1 correct the vicinity map, as it is sideways on the plan; Route 28 runs North to South and Woodland Road runs East to West.
4. Per Section 720.3 provide the maximum allowed building height and current building height.
5. Provide the required setbacks, required yards, and buffers on the Concept Plan.
6. On Sheet 1 under General Notes include a comment stating the purpose of the application such as in the introduction in this referral.
7. On Sheet 2 under existing conditions provide the instrument number or deed book and page number of the vacated 25 foot right of way.
8. On Sheet 3 the parking calculations are based on the Revised 1993 Loudoun County Zoning Ordinance but should be based on ZMAP-1986-0022 Proffer 13 which states: "The applicant shall comply with parking standards of one (1) space per 800 net square feet for warehouse uses and one (1) space per 275 net square feet for office uses."
9. Remove all references to the Revised 1993 Loudoun County Zoning Ordinance throughout the plan it is governed by the 1972 Loudoun County Zoning Ordinance.

PROFFER COMMENTS

Staff requests a review of the proffer amendments as part of a second submission.

MODIFICATION

Summary of Applicant's Justification:

In requesting a reduction to 15' from the 30' requirement for a Type 4 Rear Yard Buffer under the 1972 Zoning Ordinance, the Applicant notes that it will proffer to plant the reduced buffer yard beyond the level required by a Type 4 Buffer. The plantings so provided will give a visual buffer that is more effective than the ordinance requirement.

The subject property, which is surrounded by property zoned PD-GI and PD-IP, contains no outdoor use in the rear of the lot other than parking. Deliveries come to the west side of the building over 120' from the rear property line, and the two loading spaces for delivery are largely screened from the rear of the property by the existing building itself.

Staff Analysis:

1. Provide a detail demonstrating how a reduction in the type IV buffer yard will serve in the public purpose to the equivalent degree. How does the Applicant intend to plant the reduced buffer yard beyond the level required by a Type 4 Buffer?
2. According to the County Urban Forester a 15 foot wide type IV buffer at the rear of the property is not sustainable due to the canopy cover from the adjacent parcels. Therefore, Staff recommends a width of at least 25'.
6. Illustrate on the Concept Plan Amendment and on the Concept Plan as an exhibit the specific area for which the amendment is requested and amend the original drawing accordingly.
3. Section Buffer Yard and Screening Matrix Attachment B 4 requires a type 4 Rear Yard Buffer Width to be a minimum of 30'. The applicant proposes a modification to reduce the required rear yard buffer width from 30' to 15' feet wide.


DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: October 9, 2008

TO: Judi Birkitt, Project Manager, Department of Planning

FROM: William Marsh, Environmental Review Team Leader 

CC: Marie Genovese, Community Planner
J.D. Kirby, Zoning Planner

SUBJECT: ZCPA-2008-0005, ZMOD-2008-0012
Chaudhry Property

The Environmental Review Team (ERT) met to review this application on October 6, 2008, and offers the following comments.

Regarding tree preservation and stormwater

1. The proposed expansion of parking could affect critical root zone areas of existing trees on the parcel to the north of this project. Consistent with Forest, Trees and Vegetation policy 1 of the Revised General Plan, staff encourages avoidance of these critical root zones with the proposed parking areas. Please delineate the critical root zones of existing trees in the parking lot area. Staff is also available to visit the site and discuss options with the applicant.
2. The additional impervious surface will increase stormwater runoff in an industrial park with older stormwater infrastructure. Staff encourages additional stormwater treatment on site to mitigate the new impervious area. One option would include a bioretention basin area along the existing road frontage. Water and tree protection measures are required to be assessed and included per ZCPA checklist item L.2.

Regarding green building practices

3. Modifications to planned development districts require a finding that "such modifications to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation," per Revised 1993 Zoning Ordinance (ZO) Section 6-1504. Applying green building standards may be one way of meeting these criteria, one example

being Leadership in Energy and Environmental Design (LEED). The Board of Supervisors has endorsed LEED as the preferred green building rating system for commercial construction and recommended the "COG Regional Green Standard" for private development, as described on pages 11-12 of "Greening the Washington Metropolitan Region's Built Environment", available at <http://www.mwcog.org/environment/greenbuilding/>. Accordingly, staff encourages the applicant to incorporate standards from LEED for Existing Buildings or Commercial Interiors, either for the existing building overall or for the proposed office space. Staff also highlights the application of Energy Star Portfolio Manager as a useful design/renovation tool to maximize energy efficiency in this building.

4. Providing bicycle racks, shower facilities, and changing rooms is a LEED credit that is also encouraged in Pedestrian and Bicycle Facilities Policy 10 of the Countywide Transportation Plan, page 2-10. Staff encourages including these features with this application.

Other

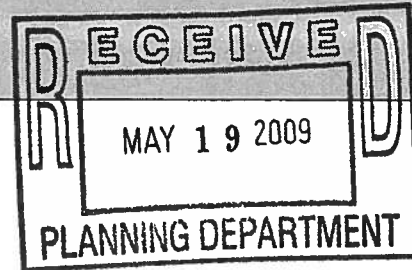
5. Staff encourages the applicant to consider appropriate lighting for the proposed parking area, where illumination will not spill over into other properties but can increase safety in the parking area.

Please contact me if you need any additional information.

County of Loudoun

Office of Transportation Services

MEMORANDUM



DATE: May 19, 2009

TO: Judi Birkitt, Project Manager
Department of Planning

FROM: Marc Lewis-DeGrace, Transportation Planner *MLDG*

SUBJECT: ZCPA 2008-0005, ZMOD 2008-0012 – Chaudhry Property
Second Referral

Background

This referral serves as an update of the status of the issues identified by the Office of Transportation Services (OTS) in the first referral (dated September 19, 2008) on these applications. The subject Zoning Concept Plan Amendment (ZCPA) and Zoning Modification (ZMOD) applications propose to amend the proffers and concept plan approved with ZMAP 1986-0022 (Loudoun Woodland Road Joint Venture) with respect to the subject property (Lot 10) to (1) reduce the proffered rear yard buffer from 55 feet to 15 feet, (2) eliminate the prohibition of office uses on the site, and (3) allow parking for warehouse uses at rates permitted under the Revised 1993 Zoning Ordinance. The 1.22-acre site contains an existing 20,093-sq ft building and is zoned Planned Development—General Industry (PD-GI) under the 1972 Zoning Ordinance. The site is located within the Woodland Road Industrial Park at the western end of Elmwood Court. Access to the site is via Greenoak Way off of Woodland Road (Route 879). A vicinity map is provided as *Attachment 1*.

Based on a previously reviewed traffic statement (dated July 8, 2008) prepared by the Applicant, the uses proposed within the existing building on the site (i.e., 2,000 sq ft of light industrial uses, 10,300 sq ft of office uses, and 7,793 sq ft of warehouse uses) would generate a total of 166 daily vehicle trips (ADT), including 32 AM peak hour trips and 26 PM peak hour trips. These proposed uses would generate significantly fewer trips than other by-right uses that could be developed on the site.

This referral is based on review of materials received from the Department of Planning on March 3, 2009, including (1) a letter from the Applicant dated February 25, 2009 responding to first referral comments; (2) a revised statement of justification, prepared by the Applicant, dated February 12, 2009; and (3) a zoning concept plan (plan set), prepared by Metropolitan Consulting Engineers, dated June 25, 2008 and revised through February 10, 2009.

Status of Transportation Issues/Comments

Staff comments from the first OTS referral (dated September 19, 2008) as well as the Applicant's responses (quoted directly from its February 25, 2009 response letter) and current issue status, are provided below.

1. Initial Staff Comment (1st Referral): Elmwood Court and Greenoak Way have not been accepted by VDOT into its secondary roads program for maintenance. The applicant should work with the property owners to make sure that the roads are acceptable to VDOT for maintenance.

Applicant's Response (February 25, 2009): As a result of our meeting with County Referral commentators, the Applicant's understanding is that the Office of Transportation Services (OTS) will provide documentation as to the statement that Elmwood Court and Greenoak Way have not been accepted by VDOT into the secondary road program for maintenance and will document, to the extent possible, how this unusual circumstance came to be. The Applicant has indicated a willingness to discuss this matter further with OTS, but has indicated that it does not think it is fair to ask this Applicant, who is seeking only to change some of the uses in an existing building, to take the lead in bringing 20 year old roads up to a standard of acceptance by VDOT into the secondary road system.

Issue Status: Issue Resolved. After meeting with the Applicant in December 2008, OTS researched the history regarding Elmwood Court and Greenoak Way and why they have not been accepted into the VDOT system for maintenance. It appears that the Elmwood Court and Greenoak Way were initially constructed to VDOT standards; however they were not accepted by VDOT because they did not meet VDOT service requirements. Since the roads had been constructed, the predecessor County department to Building and Development allowed the developer to execute a Maintenance and Indemnification (M&I) Agreement in December 1994 for continuing maintenance of the roads until they met VDOT service requirements. The Surety Bond amount guaranteeing the M&I is now insufficient to make the repairs necessary to bring the roads up to VDOT standards.

After consulting with other County staff, it was determined that it was not appropriate to require the Applicant begin the process of upgrading the roads as part of these applications. While the County cannot and will not request further action on the Applicant's part with respect to this matter, we remain available to assist the affected property owners in this regard if they wish.

2. Initial Staff Comment (1st Referral): It appears that there is insufficient parking available for the proposed uses. Loudoun County's Zoning Office should confirm the number of parking spaces shown on the plat.

Applicant's Response (February 25, 2009): The Applicant will work with [the] Zoning Office to confirm the number of parking spaces shown on the plat.

Issue Status: Issue Resolved. The application has been revised and now includes a specific request to modify parking requirements to permit warehouse uses to be parked at reduced rates per the Revised 1993 Zoning Ordinance. Construction of new parking spaces on the site is indicated on the plat. OTS has no further comments on this matter and defers to Zoning Administration regarding the adequacy of parking proposed on the site.

New Comment

Since completion of the first referral dated September 19, 2008, OTS staff notes the following additional comment:

3. The former private access easement that ran across the rear (north side) of the subject parcel was vacated with the recordation of the deed and record plat for the Woodland Oaks Industrial Park in 1990, as is indicated on the Applicant's plan set. OTS defers to Zoning Administration for further review of the Applicant's request to reduce the width of the proffered landscape buffer along the rear of the site from 55 feet to 15 feet.

Conclusion

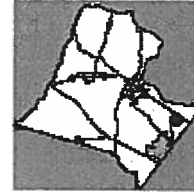
OTS has no objection to the approval of this application.

ATTACHMENT

1. Site Vicinity Map

cc: Andy Beacher, Assistant Director, OTS
Lou Mosurak, Senior Transportation Planner, OTS
Gary Clare, Assistant Director for Land Development Engineering, B&D

Loudoun County Mapping System



7,057,434



7,056,585

11,789,562

Map Width=971 feet

11,790,533

Created on 5/12/2009 11:08:05 AM

PIN	Address
030280542	45698 Elmwood Ct Sterling 20166

ATTACHMENT 1

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: September 19, 2008
TO: Judi Birkitt, Senior Planner, Department of Planning
FROM: Marc Lewis-DeGrace, Transportation Planner
THROUGH: Shaheer Assad, Senior Transportation Engineer/Planner
**SUBJECT: ZCPA 2008-0005 & ZMOD 2008-0012 Chaudhry Property
(First Referral)**

Background

The applicant is seeking approval of a Zoning Concept Plan Amendment (ZCPA) to amend ZMAP 1986-0022, to 1) reduce the rear buffer yard, and 2) eliminate the use restriction on commercial space. Also, the applicant is seeking a Zoning Modification to modify the type 4 buffer requirement.

Existing and Forecasted Traffic Volumes and Levels of Service

Elmwood Court is a local road that was constructed to be a 2-lane road with parking. The applicant has stated that the proposed usage will generate 32 trips during the AM Peak Hours and 26 trips during the PM Peak Hours. The applicant also predicts the average daily traffic that will be generated by this site is approximately 166 vehicles. There are no planned changes to this roadway.

The Office of Transportation Services (OTS) references for this plan are the Countywide Transportation Plan (CTP), The Loudoun County Facilities Standards Manual (FSM) and The Loudoun County Bicycle and Pedestrian Mobility Master Plan (LCBPMMP). OTS has reviewed the Chaudhry Property and offers the following comments:

Transportation Comments

1. Elmwood Court and Greenoak Way have not been accepted by VDOT into its secondary roads program for maintenance. The applicant should work with the property owners to make sure that the roads are acceptable to VDOT for maintenance.

2. It appears that there is insufficient parking available for the proposed uses. Loudoun County's Zoning Office should confirm the number of parking spaces shown on the plat.

Conclusion:

OTS may have additional comments after first submission responses are provided. This office will make a final recommendation once the above issues are addressed.

Cc: Andrew Beacher, Assistant Director, OTS



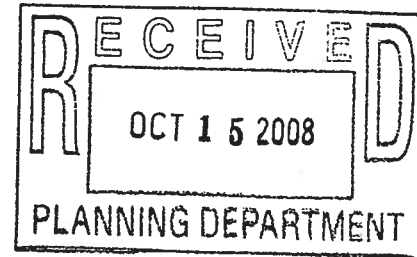
COMMONWEALTH of VIRGINIA

DAVID S. EKERN, P.E.
COMMISSIONER

DEPARTMENT OF TRANSPORTATION

14685 Avion Parkway
Chantilly, VA 20151
(703) 383-VDOT (8368)

October 8, 2008



Ms. Judi Birkitt
County of Loudoun
Department of Planning
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Chaudry Property
(Aka, Woodland Road Industrial Park, Section 2, Lot 10A)
(1st Submission)
Loudoun County Application Numbers ZCPA 2008-0005 and ZMOD 2008-0012

Dear Ms. Birkitt:

We have reviewed the above noted application as requested in your August 15, 2008 transmittal.
We have no objection to the approval of this application.

If you have any questions, please call me at (703) 383-2061.

Sincerely,

John Bassett, P.E.
Transportation Engineer

cc: Imad Salous, P. E.

ATTACHMENT 1e



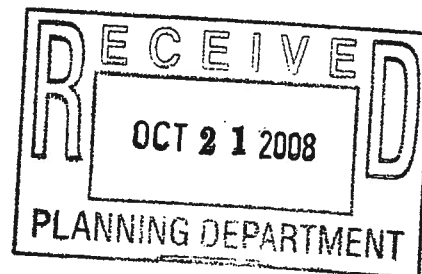
LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Judi Birkitt, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: October 20, 2008
Subject: Chaudhry Property
ZCPA 2008-0005 & ZMOD 2008-0012



Thank you for the opportunity to review the above captioned application. The Fire and Rescue Planning Staff, in agreement with the Fire Marshal's Office, has no objection to the application as presented.

The Fire-Rescue GIS and Mapping coordinator offered the following information regarding estimated response times:

PIN	Project name	Sterling VFRC Station 11/15 Travel Time
030-28-0542	Chaudhry Property	4 minutes, 42 seconds

The Travel Times for each project were calculated using ArcGIS and Network Analyst extension to calculate the travel time in minutes. To get the total response time another two minutes were added to account for dispatching and turnout. This assumes that the station is staffed at the time of the call. If the station is unoccupied another one to three minutes should be added.

Project name	Sterling VFRC Approximate Response Times
Chaudhry Property	6 minutes, 42 seconds

If you have any questions or need additional information, please contact me at 703-777-0333.

c: Project file

ATTACHMENT 1f

*Teamwork * Integrity * Professionalism * Service*

A-24

Nov 13 2008 12:06PM HP LASERJET FAX

p.2

Revised
5submitted
11/19/08I, Nasrullah Chaudhry, do hereby state that I am an☒ Applicant☐ Applicant's Authorized Agent listed in Section C.1. belowin Application Number(s): ZCPA-2008-0005 ZHOD-2008-0012

and that to the best of my knowledge and belief, the following information is true:

C. DISCLOSURES: REAL PARTIES IN INTEREST AND LAND USE PROCEEDINGS**1. REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS** and **LESSEES** of the land described in the application* and if any of the foregoing is a **TRUSTEE**** each **BENEFICIARY** of such trust, and all **ATTORNEYS**, and **REAL ESTATE BROKERS**, and all AGENTS of any of the foregoing.

All relationships to the persons or entities listed above in **HOLD** print must be disclosed. Multiple relationships may be listed together (ex. Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner, etc.) For a multiple parcel application, list the Parcel Identification Number (PIN) of the parcel(s) for each owner(s).

PIN	NAME <i>(First, M.I., Last)</i>	ADDRESS <i>(Street, City, State, Zip Code)</i>	RELATIONSHIP <i>(Listed in bold above)</i>
30280542	— SEE ATTACHED INFORMATION —		

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

☐ There are additional Real Parties in Interest. See Attachment to Paragraph C-1.

Revised October 21, 2008

3

ATTACHMENT 2

A-25

Nov 13 2008 12:06PM HP LASERJET FAX

p.3

DATE AFFIDAVIT IS NOTARIZED: _____

APPLICATION NUMBER: _____

Page: 1

I, Nasrullah Chaudhry, do hereby state that I am an☒ applicant

_____ applicant's authorized agent listed in Section B.1. below

in application Number(s): _____

and that to the best of my knowledge and belief, the following information is true:

B. MANDATORY DISCLOSURES**1. NAMES AND ADDRESSES OF REAL PARTIES IN INTEREST**

The following constitutes a listing of the names and addresses of all APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS and LESSEES of the land described in the application* and if any of the foregoing is a TRUSTEE** each BENEFICIARY of such trust, and all ATTORNEYS, and REAL ESTATE BROKERS, and all AGENTS who have acted on behalf of any of the foregoing with respect to the application. Multiple relationships may be listed together. For multiple parcels, list the Parcel Identification Number (PIN) of the parcel(s).

PIN	NAME (First, M.I., Last)	ADDRESS (Street, City, State, Zip Code)	RELATIONSHIP (listed in bold, above)
30280542	Nasrullah Chaudhry	45698 Elmwood Court	applicant
	Shafata Chaudhry	Sterling, VA 20166	applicant
	S&N Real Estate Investments, LLC	45698 Elmwood Court	owner
		Sterling, VA 20166	
	Mukhtar Ahmad	8908 Triple Ridge Road	engineering
		Fairfax Station, VA 22039	consultant
	Stephen Robin	101-A South King Street	legal consultant
		Leesburg, VA 20175	
	Chris Turnbull	Wells & Associates	traffic engineer
		5 Wirt Street, SW	
		Leesburg, VA 20175	

* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

** In the case of a TRUSTEE, list Name of Trustee, name of Trust, if applicable, and name of each beneficiary.

Check if applicable:

_____ Real Parties of Interest information is continued on an additional copy of page B-1

If multiple copies of this page are provided please indicate Page _____ of _____ pages.

Revised May 10, 2007

A-27

2. CORPORATION INFORMATION (see also Instructions, Paragraph B.3 above)

The following constitutes a listing of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 100 or fewer shareholders, a listing of all of the shareholders, and if such corporation is an owner of the subject land, all **OFFICERS** and **DIRECTORS** of such corporation. (Include sole proprietorships, limited liability companies and real estate investment trusts).

Name and Address of Corporation: (complete name, street address, city, state, zip code)

S&N Real Estate Investments, LLC, 45698 Elmwood Court, Sterling, VA 20166

Description of Corporation:

☒ There are 100 or fewer shareholders and all shareholders are listed below.

☐ There are more than 100 shareholders, and all shareholders owning 10% or more of any class of stock issued by said corporation are listed below.

☐ There are more than 100 shareholders but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

☐ There are more than 500 shareholders and stock is traded on a national or local stock exchange.

Names of Shareholders:

SHAREHOLDER NAME (First, M.I., Last)	SHAREHOLDER NAME (First, M.I., Last)
Nasrullah Chaudhry - 50% ownership	Shaista Chaudhry - 50% ownership

Names of Officers and Directors:

NAME (First, M.I., Last)	Title (e.g. President, Treasurer)
Nasrullah Chaudhry	Member
Shaista Chaudhry	Member

Check if applicable:

☐ There is additional Corporation Information. See Attachment to Paragraph C-2.

3. PARTNERSHIP INFORMATION

The following constitutes a listing of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in the affidavit.

Partnership name and address: (complete name, street address, city, state, zip)

NONE

___ (check if applicable) The above-listed partnership has no limited partners.

Names and titles of the Partners:

NAME (First, M.I., Last)	Title (e.g. General Partner, Limited Partner, etc)

Check if applicable:

___ Additional Partnership information attached. See Attachment to Paragraph C-3.

4. ADDITIONAL INFORMATION

- a. One of the following options must be checked:

☐ In addition to the names listed in paragraphs C. 1, 2, and 3 above, the following is a listing of any and all other individuals who own in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

☒ Other than the names listed in C. 1, 2 and 3 above, no individual owns in the aggregate (directly as a shareholder, partner, or beneficiary of a trust) 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE of the land:

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(a).

- b. That no member of the Loudoun County Board of Supervisors, Planning Commission, Board of Zoning Appeals or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land, or as beneficiary of a trust owning such land.

EXCEPT AS FOLLOWS: (If none, so state).
NONE

Check if applicable:

☐ Additional information attached. See Attachment to Paragraph C-4(b).

- c. That within the twelve-month period prior to the public hearing for this application, no member of the Loudoun County Board of Supervisors, Board of Zoning Appeals, or Planning Commission or any member of his immediate household, either individually, or by way of partnership in which any of them is a partner, employee, agent or attorney, or through a partner of any of them, or through a corporation (as defined in the Instructions at Paragraph B.3) in which any of them is an officer, director, employee, agent or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has or has had any business or financial relationship (other than any ordinary customer or depositor relationship with a retail establishment, public utility, or bank), including receipt of any gift or donation having a value of \$100 or more, singularly or in the aggregate, with or from any of those persons or entities listed above.

EXCEPT AS FOLLOWS: (If none, so state).
NONE

Check if applicable:

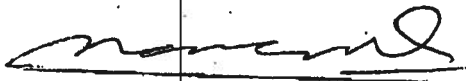
☐ Additional information attached. See Attachment to Paragraph C-4(c).

Revised October 21, 2008

D. COMPLETENESS

That the information contained in this affidavit is complete, that all partnerships, corporations (as defined in Instructions, Paragraph B.3), and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, OR LESSEE of the land have been listed and broken down, and that prior to each hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including any gifts or business or financial relationships of the type described in Section C above, that arise or occur on or after the date of this Application.

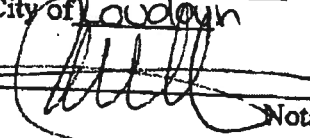
WITNESS the following signature:

 Nasrullah Chaudhry

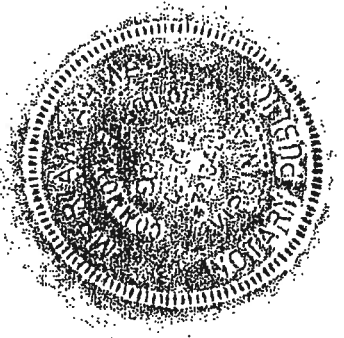
check one: ☒ Applicant or ☐ Applicant's Authorized Agent

NASRULLAH CHAUDHRY SHALISTA CHAUDHRY
(Type or print first name, middle initial and last name and title of signee)

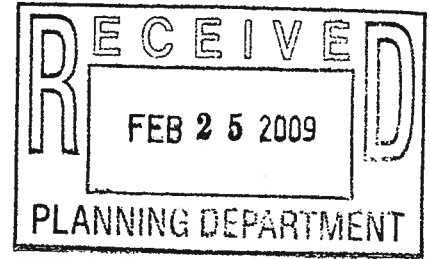
Subscribed and sworn before me this 13th day of November 2008, in the State/Commonwealth of Virginia, in the County/City of Loudoun


Notary Public

My Commission Expires: 06-30-2012



PROJECT SUMMARY
and
STATEMENT OF JUSTIFICATION



Chaudhry
Zoning Concept Plan Amendment, Proffer Amendment and Modification

I. Introduction

Nasrullah Chaudhry and Shaista Chaudhry (the "Applicant") are requesting the Loudoun County Board of Supervisors to amend the Concept Development Plan and Proffers approved in connection with ZMAP 86-22 (Woodland Road Industrial Park) to, 1, reduce the rear yard buffer requirement from 55' to 15' for reasons listed below and, 2, to amend the Proffers approved with ZMAP 86-22 to allow parking for warehouse uses in accordance with the terms of the Revised 1993 Zoning Ordinance and to eliminate the use restriction as to commercial office space. Lastly, the Applicant requests modification to the Type 4 requirements, Section 560 of the 1972 Zoning Ordinance, to allow a reduction in the required width of the rear yard buffer from 30' to 15'. Note that by attached letter dated September 18, 2002, the Zoning Administrator approved a reduction in the Type 4 side yards of this property to 10'. The side yards are presently improved by a board on board fence, and the use mix, requested in this application will have no more impact than do the current uses.

II. Comprehensive Plan

The Revised General Plan, calls for the Subject Property, and surrounding property, to be keynote employment. The Applicant's proposal is consistent with this Comprehensive Plan recommendation in that the Applicant is requesting that 9,360 of its 20,093 square feet be used as commercial office. The Property in the near vicinity of the subject property is slowly being upgraded. A large parcel abutting, and to the north of, the subject property is zoned PD-IP. Property within a few hundred feet of the subject project, to the east, is zoned for retail shopping.

III. Justification for Proposal

The Applicant's building is under-utilized at the moment. Its construction is such that it is appropriate for the uses requested, including the commercial office component. The commercial office component is consistent with the recommendations of the Comprehensive Plan, as stated above. The Applicant envisions that the marketplace will dictate the type of office use that is accommodated on the subject property given its location and immediate neighbors. The office use will be an upgrade to the uses in the immediate vicinity. The traffic study, which accompanies this Application, indicates that the road network can easily accommodate the traffic proposed by this Application.

In support of its request for modification of both the 1987 proffered Concept Plan for ZMAP 86-22 and the Type 4 buffer requirements of the 1972 Zoning Ordinance to allow a rear yard buffer of 15', the Applicant makes the following observations.

- The proffer in ZMAP 86-22 of a 55' buffer included 25' from the parcel's rear property line that was dedicated for right-of-way which was never improved with a travelway. Subsequently, by instrument dated 27 September 1990, and recorded in DB 1104 at Pg 1580, this 25' right-of-way dedication was vacated, thus effectively allowing the rear yard of the subject property to begin at the rear property line instead of at a point 25' from the rear property line.
- In requesting a further reduction to 15' from the 30' requirement for a Type 4 Rear Yard Buffer under the 1972 Zoning Ordinance, the Applicant notes that it will proffer to plant the reduced buffer yard beyond the level required by a Type 4 Buffer. The plantings so provided will give a visual buffer that is more effective than the Ordinance requirement.
- The subject property, which is surrounded by property zoned PD-GI and PD-IP, contains no outdoor use in the rear of the lot other than parking. Deliveries come to the west side of the building over 120' from the rear property line, and the two loading spaces for delivery are largely screened from the rear of the property by the existing building itself.

The requested Proffer Amendment with regard to warehouse parking would bring the warehouse parking in conformance with the provisions of the Revised 1993 Zoning Ordinance, which is appropriate for the small warehouse component of the subject business.

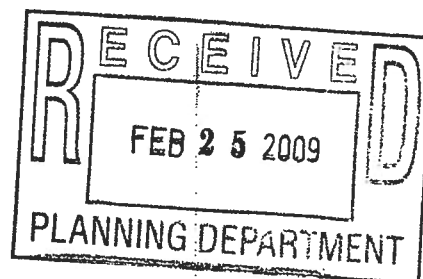
IV. Conclusion

The Applicant respectfully requests approval of the above-stated requests



Loudoun County, Virginia

Department of Building and Development
1 Harrison Street, SE, Leesburg, VA 20177-7000
Administration: 703/777-0397 Fax: 703/771-5215



September 18, 2002

Sevila, Saunders, Huddleston & White
Attn: Mr. Robert E. Sevila
P.O. Box 678
Leesburg, VA 20178-0678

**RE: Request for buffer yard modification, Det. 2002-135
Woodland Road Industrial Park, Section 2, Lot 10A
Tax Map/Parcel: /81/B/5///10/ (MCPI: 030-28-0542)**

Dear Mr. Sevila:

In light of the additional information presented to Melinda Artman, Zoning Administrator, and Marilee Seigfried, Assistant Zoning Administrator, in your July 30, 2002 meeting with them, verbal approval of the proposed buffer yard modification for STPL 2001-0078, Assembler's Inc. was granted. Please consider this letter written confirmation of that approval. The type 4 side buffer yards may be reduced to a width of 10 feet.

Determination 2002-135 was withdrawn on August 14, 2002 and the appeal application associated with this matter (APPL 2001-0011) has been voided.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the *Zoning Ordinance* may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days.

RECEIVED

SEP 20 2002

A-34

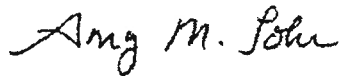
Determination 2002-135

Mr. Robert E. Sevilla

Page 2

Thank you for your patience in this matter. If you have any questions regarding this letter, please contact me at (703) 777-0397.

Very truly yours,

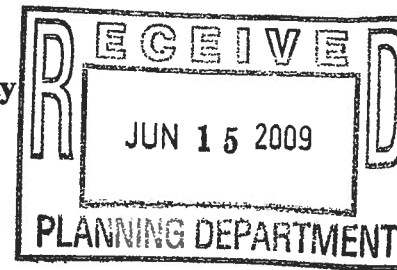


Amy M. Lohr, AICP
Planner, Zoning Administration

cc: Melinda M. Artman, Zoning Administrator
Marilee L. Seigfried, Assistant Zoning Administrator
Jane McCarter, Project Manager
Files: APPL 2001-0011, Determination 2002-135

A-35

**ZCPA 2008-0005 and ZMOD 2008-0012, Chaudhry Property
Response to 2nd Round Comments, Community Planning
From Marie Genovese
April 29, 2009**



Staff Comment: It appears that the parking proposed is consistent with the approved proffers (ZMAP 1986-0022); therefore, the amendment to the proffered parking standards is not necessary.

Applicant's Response: *Applicant agrees and hereby withdraws its request for amendment to Proffer 13 of ZMAP 1986-0022.*

Staff Comment: Staff recommends the applicant designate existing vegetation that will not be impacted by the modified parking as Tree Conservation Areas (See Forests, Trees, and Vegetation discussion below). Staff further recommends the 6-foot fence be provided at this time to accommodate the requested reduction in the rear yard buffer.

Applicant's Response: *The County Forester expressed the opinion at his site visit to the Property that the existing vegetation to be saved was so scattered as not to be appropriate for designation as a Tree Conservation Area. (Please consult with Ms. Birkitt and Dana Malone as to Applicant's recollection of that conversation.) The Applicant feels that the present installation of the 6-foot fence is not warranted by the circumstances since the Applicant and its abutting neighbor will both be planting their*

common boundary. The neighbors' CDP (ZMAP 2005-0015) obligate it to put in a Type 4 Buffer Yard abutting its property with this Applicant. This Applicant will put up the fence when the neighbor to the north actually builds. The neighbor to the north is presently in CPAP review (CPAP 2007-0130). That CPAP could be conditioned to require the Applicant to notify the County and Chaudhry when conditions exist under which Chaudhry is offering to build his fence.

Staff Comment: **Staff recommends the Applicant update Sheet 2 to correctly reference the appropriate section of the FSM. Staff further recommends the applicant include commitments for parking lot lighting that is directed downward and shielded to eliminate glare and light trespass.**

Applicant's Response: *The Applicant has corrected the Concept Plan to reflect the correct reference to the FSM with reference to lighting. The Applicant has always intended and accepts Staff's recommendations that parking lot lighting be directed downward and shielded to eliminate glare and light trespass.*

Staff Comment: **Staff recommends the Applicant update the Concept Plan adding that a water quality basin – filter or device with similar pollutant removal efficiency will be provided in the area depicted on the Concept Plan.**

Applicant's Response: *The Applicant accepts Staff's comment and has modified the Concept Plan accordingly.*

Staff Comment:

Staff recommends the Applicant identify and provide information regarding the preservation of existing vegetation. Staff defers to the Environmental Review Team for recommendations regarding preservation of designated Tree Conservation Areas.

Applicant's Response:

As stated above, the Applicant's recollection of the comments of the County Forester on the subject of tree preservation is that Dana Malone indicated that existing vegetation to be saved consisted of widely separated individual trees such that a Tree Conservation Area, as such, is not appropriate.

ZCPA 2008-0005 and ZMOD 2008-0012, Chaudhry Property
Response to 2nd Round Comments, Zoning
From John Kirby
April 24, 2009

Zoning Concept Plan Amendment

1. Staff Comment: It is unclear as to why the Applicant has parked the property at gross floor area instead of at net floor area as stated in the approved proffers. By parking at net per the proffer, there is adequate parking on the property without the need for a modification.

Applicant Comment: The Applicant appreciates the comment and has recalculated the parking tabulation on Sheet 3 of 3 to reflect the net floor area terms in the approved proffers of the original zoning. The Applicant withdraws its request for modification to the original proffers relative to parking ratios.

2. Staff Comment: Staff does not support future installation of a board on board fence. Staff has no way of initiating a trigger or any way to require the applicant to install the fence when an adjoining property develops.

Applicant Comment: The Applicant will put up the fence when the neighbor to the north actually builds. The neighbor to the north is presently in CPAP review (CPAP 2007-0130). That CPAP could be conditioned to require the Applicant to notify the County and Chaudhry when conditions exist under which Chaudhry is offering to build his fence.

Plan Comments

- 1. Staff Comment:** **Provide the required setbacks, required yards, and buffers on the Concept Plan. Identify the yards that appear to be in place but are not identified on the Concept Plan.**

Applicant Comment: *The Applicant has complied.*

- 2. Staff Comment:** **Remove the excess loading space that appears to still be located on the plan, but is not identified.**

Applicant Comment: *The Applicant has complied.*

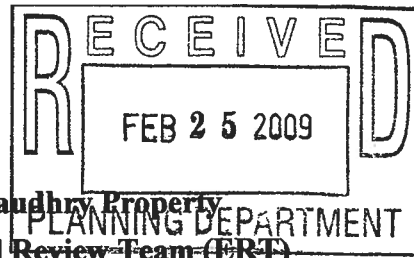
Proffer Comments

- 1. Staff Comment:** **Proffer 13 should remain the way it was originally written, but the plan should be changed to reflect net square footage.**

Applicant Comment: *The Applicant appreciates the comment and has recalculated the parking tabulation on Sheet 3 of 3 to reflect the net floor area terms in the approved proffers of the original zoning. The Applicant withdraws its request for modification to the original proffers relative to parking ratios.*

**ZCPA 2008-0005 and ZMOD 2008-0012, Chaudhry Property
Response to 2nd Round Comments, Office of Transportation Services
From Marc Lewis-DeGrace
May 19, 2009**

There are no outstanding issues contained in this OTS referral.



**ZCPA 2008-0005 and ZMOD 2008-0012, Chaudhry Property
Response to 1st Round Comments, Environmental Review Team (ERT)**

From William Marsh

October 9, 2008

The Environmental Review Team (ERT) met to review this application on October 6, 2008, and offers the following comments.

Regarding tree preservation and stormwater

- 1. The proposed expansion of parking could affect critical root zone areas of existing trees on the parcel to the north of this project. Consistent with Forest, Trees and Vegetation policy 1 of the Revised General Plan, staff encourages avoidance of these critical root zones with the proposed parking areas. Please delineate the critical root zones of existing trees in the parking lot area. Staff is also available to visit the site and discuss options with the applicant.**

Applicant's Response: Responding to comments from ERT, Community Planning and Zoning, the Applicant visited the site recently with the Project Manager, the Zoning Department representative and Dana Malone, County Urban Forester, to assess the rear buffer yard situation. It was agreed that the existing buffering requirements were those designated and noted on the Concept Plan for ZMAP 1986-0022, Tall Oaks Subdivision and Wiseway Village Farms. The plantings designated therein are a

A-42

double row of staggered white pine. The County Urban Forester was of the opinion that white pine would be inappropriate in this specific location and that it would be an improvement on the existing proffered buffer plantings if this Applicant were to plant a row of evergreens as substitute. The Applicant has agreed to this recommendation and is now showing on its Revised Concept Plan a mix of holly and leyland cypress as the planted material within a modified buffer yard. It was also agreed at that time, with the concurrence of the County Urban Forester, that any existing tree vegetation on the property that was not impacted by the proposed modified parking be retained, and that recommendation was also agreed to by the Applicant. Lastly, it was agreed that, at such time as the property to the north of the subject property is developed within 100' of the subject property, the Applicant will construct, or cause to be constructed, a board on board fence at least 6' high along the northern boundary of the subject property.

- 2. The additional impervious surface will increase stormwater runoff in an industrial park with older stormwater infrastructure. Staff encourages additional stormwater treatment on site to mitigate the new impervious area. One option would include a bioretention basin area along the existing road frontage. Water and tree protection measures are required to in assessed and included per ZCPA checklist item L.2.**

Applicant's Response: *In response to Staff comment the Applicant has revised the*

Concept Plan to show a filtera water quality treatment in the southeast corner of the property.

Regarding green building practices

3. **Modifications to planned development districts require a finding that “such modifications to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation,” per Revised 1993 Zoning Ordinance (ZO) Section 6-1504. Applying green building standards may be one way of meeting these criteria, one example being Leadership in Energy and Environmental Design (LEED). The Board of Supervisors has endorsed LEED as the preferred green building rating system for commercial construction and recommended the “COG Regional Green Standard” for private development, as described on pages 11-12 of “Greening the Washington Metropolitan Region’s Built Environment”, available at <http://www.mwcog.org/environment/greenbuilding/>. Accordingly, staff encourages the applicant to incorporate standards from LEED for Existing Buildings or Commercial Interiors, either for the existing building overall or for the proposed office space. Staff also highlights the application of Energy Star Portfolio Manager as a useful design/renovation tool to maximize energy efficiency in this building.**

Applicant's Response: Please see response to comment #1, above. The plantings in the rear buffer yard proposed by the Applicant in response to a recommendation from the County Urban Forester will be an improvement on the originally proffered plantings.

In addition, the Applicant will proffer to install or encourage, as the case maybe, the following environmentally positive features to the portion of the existing building that will be fitted out for office use:

- 1. Conduct a recycling program for materials produced within the building.*
- 2. Maximize the use of daylighting.*
- 3. Encourage tenants to use green cleaning products.*
- 4. Encourage tenants to use recycled paper products.*
- 5. Use low VOC paint, caulk, sealants, laminate systems and adhesive materials in new interior construction.*
- 6. Use sustainable interior door materials in new construction.*
- 7. Utilize recycled materials in carpets as part of new construction.*
- 8. Use motion-sensitive faucets and low-water toilets in new construction.*
- 9. Use motion-sensitive lighting system with florescent lighting lamps in new construction.*

4. **Providing bicycle racks, shower facilities, and changing rooms is a LEED credit that is also encouraged in Pedestrian and Bicycle Facilities Policy 10 of the Countywide Transportation Plan, page 2-10. Staff encourages including these features with this application.**

Applicant's Response: The Applicant has added a bicycle rack in front of the building as indicated on the Revised Concept Plan. After consideration, the Applicant finds it impractical to add showers, clothing lockers, and changing rooms to its building and notes that the office uses proposed will, in all probability, be divided into a number of relatively small spaces. It would be extremely impractical to provide showers, clothing lockers, and changing rooms for each of these relatively small spaces.

Other

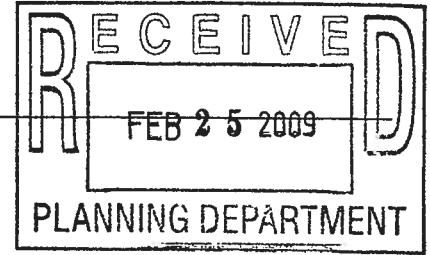
5. **Staff encourages the applicant to consider appropriate lighting for the proposed parking area, where illumination will not spill over into other properties but can increase safety in the parking area.**

Applicant's Response: The Applicant will comply with this request. The subject building already has in place non-glare lighting, which is affixed to the outside walls of the building. The Applicant will affix the

same type of fixture to the rear of the building to accommodate the additional parking area.

**ZCPA 2008-0005 and ZMOD 2008-0012, Chaudhry Property
Response to 1st Round Comments, Zoning Administration**

**From John Kirby
November 14, 2008**



ZONING CONCEPT PLAN AMENDMENT

- 1. Staff has no objection to allowing commercial office; however, it appears that the required parking can only be accommodated if the buffer yard is permitted to be reduced to 15'. As discussed under Modification below, staff recommends a minimum width of 25'. Note: Once the property is parked in accordance with the proffer, the site may be able to park a lesser amount. Specific parking requirements will be reviewed at site plan.**

Applicant's Response: *As the result of the recommendations of the County Urban*

Forester, based on a site visit, the Applicant will plant a row of mixed evergreen holly and leyland cypress, within a modified 15' buffer at the rear of the property. These plantings will be supplemented by a future board on board fence at least 6' high when the property to the north is developed to within 100' of the subject property. The County Urban Forester considers this an improvement over the originally proffered double staggered row of white pine.

- 2. There are inconsistencies between the Statement of Justification and Concept Plan regarding the amount of Office requested, Clarify.**

A-48

Applicant's Response: *The Applicant has changed its Statement of Justification to be consistent with the Concept Plan regarding the amount of office requested. The amount of General Office requested is 9,000 sq. ft. There is an existing ancillary office space in the mezzanine of 1,300 sq. ft., which is associated with the existing by right assembly use.*

3. Provide a breakdown of the proposed uses other than in Parking Tabulations.

Applicant's Response: *See tabulation of proposed uses which has been added on the Revised Concept Plan.*

4. On Sheet 3 under parking tabulations explain the reference to Assembly Space. Assembly Space is not a listed use in the PD-GI zoning district.

Applicant's Response: *As discussed with John Kirby, "Assembly Space" is a reference to a permitted use under the 1972 Zoning Ordinance in the PD-GI zoning district. Section 723.3.1 (Permitted Principal Uses and Structures) includes "manufacture, processing, fabrication, assembly, distribution of products such as, but not limited to: . . .".*

5. Illustrate on the Concept Plan Amendment and on the original Concept Plan, as an exhibit, the specific area for which the amendment is requested and amend the original drawing accordingly.

Applicant's Response: *As discussed with John Kirby and Judi Birkit, the Applicant has revised its Concept Plan to show the existing 55' landscape buffer that was a requirement of ZMAP 1986-0022 and has indicated on the Revised Concept Plan the proposed modification of the rear buffer yard to 15 ft. The Applicant has also drawn on the Original (ZMAP 1986-0022) Concept Plan (12 copies submitted herewith) the location of the Applicant's property which is the subject of this application.*

PLAN COMMENTS

Applicant's Response to 1 –7 and 9 below: *The Applicant has made the requested changes on the revised plat sheets.*

- 1. On Sheet 1 change the title to state "Zoning Concept Plan Amendment."**
- 2. On Sheet 1 Identify the Application Numbers ZCPA-2008-0005 & ZMOD-2008-0012**
- 3. On Sheet 1 correct the vicinity map, as it is sideways on the plan; Route 28 runs North to South and Woodland Road runs East to West.**
- 4. Per Section 720.3 provide the maximum allowed building height and current building height.**
- 5. Provide the required setbacks, required yards, and buffers on the Concept Plan.**

6. On Sheet 1 under General Notes include a comment stating the purpose of the application such as in the introduction in this referral.
7. On Sheet 2 under existing conditions provide the instrument number or deed book and page number of the vacated 25 foot right of way.
8. On Sheet 3 the parking calculations are based on the Revised 1993 Loudoun County Zoning Ordinance but should be based on ZMAP-1986-0022 Proffer 13 which states: "The applicant shall comply with parking standards of one (1) space per 800 net square feet for warehouse uses and one (1) space per 275 net square feet for office uses."

Applicant's Response: As discussed with John Kirby, the Applicant is amending its

Application to add as an additional proffer amendment, namely, to proffer 13 of the original zoning, ZMAP 1986-0022. This Amendment would park the warehouse uses at 0.50 spaces/1,000 sq. ft. in keeping with the parking regulations of the Revised 1993 Zoning Ordinance.

9. Remove all references to the Revised 1993 Loudoun County Zoning Ordinance throughout the plan it is governed by the 1972 Loudoun County Zoning Ordinance.

PROFFER COMMENTS

Staff requests a review of the proffer amendments as part of a second submission.

Applicant's Response: See response to Plan comment #8, above.

MODIFICATION

Applicant's Response to 1, 2, 6 [sic] and 3 below: See Applicant response to Comment 1, Pg 1, above, explaining how the Applicant has revised its Concept Plan as a result of improvements suggested by the County Urban Forester.

- 1. Provide a detail demonstrating how a reduction in the type IV buffer yard will serve in the public purpose to the equivalent degree. How does the Applicant intend to plant the reduced buffer yard beyond the level required by a Type 4 Buffer?**
- 2. According to the County Urban Forester a 15 foot wide type IV buffer at the rear of the property is not sustainable due to the canopy cover from the adjacent parcels. Therefore, Staff recommends a width of at least 25'.**
- 6. Illustrate on the Concept Plan Amendment and on the Concept Plan as an exhibit the specific area for which the amendment is requested and amend the original drawing accordingly.**

3. **Section Buffer Yard and Screening Matrix Attachment B 4 requires a type 4 Rear Yard Buffer Width to be a minimum of 30'. The applicant proposes a modification to reduce the required rear yard buffer width from 30' to 15' feet wide.**

**ZCPA 2008-0005 and ZMOD 2008-0012, Chaudhry Property
Response to 1st Round Comments, Office of Transportation Services
From Marc Lewis-DeGrace
September 19, 2008**

Staff Comment: Elmwood Court and Greenoak Way have not been accepted by VDOT into its secondary roads program for maintenance. The applicant should work with the property owners to make sure that the roads are acceptable to VDOT for maintenance.

Applicant's Comment: As a result of our meeting with County Referral commentators, the Applicant's understanding is that the Office of Transportation Services (OTS) will provide documentation as to the statement that Elmwood Court and Greenoak Way have not been accepted by VDOT into the secondary road program for maintenance and will document, to the extent possible, how this unusual circumstance came to be. The Applicant has indicated a willingness to discuss this matter further with OTS, but has indicated that it does not think it fair to ask this Applicant, who is seeking only to change some of the uses in an existing building, to take the lead in bringing 20 year old roads up to a standard of acceptance by VDOT into the secondary road system.

Staff Comment: It appears that there is insufficient parking available for the proposed uses. Loudoun County's Zoning Office should confirm the number of parking spaces shown on the plat.

Applicant's Comment: The Applicant will work with Zoning Office to confirm the number of parking spaces shown on the plat.

A-54

**ZCPA 2008-0005 and ZMOD 2008-0012, Chaudhry Property
Response to 1st Round Comments, Community Planning
From Marie Genovese
October 9, 2008**

Staff Comment: **The amount of office proposed as well as the design of the site to do not meet the Plan's intent for Keynote Employment Centers; however, given the subject property is not located along a prominent Keynote Employment corridor and the surrounding area has developed differently than what is envisioned by the Plan, the proposal to permit commercial office space on the proposed site is reasonable.**

Applicant's Response: *The Applicant appreciates agreement by Community Planning that "the proposal to permit commercial office space on the proposed site is reasonable."*

Staff Comment: **Staff requests a landscape plan detailing the proposed enhanced Type IV buffer. Staff recommends the applicant commit to the landscape plan.**

Applicant's Response: *The Applicant has worked with the Zoning Department (John D. Kirby) and the County's Urban Forester (Dana Malone) with regard to enhancing the existing buffer requirement. Mr. Kirby has agreed that the buffering requirement that this Applicant will be modifying, rather than being a Type 4 Buffer, is that proffered in ZMAP 1986-0022, namely a double staggered row of white pines. After discussion at a*

site visit with Mr. Kirby, Mr. Malone and Judy Birkitt, it was decided that white pine would be inappropriate in that specific location and that a planting of evergreens native to Northern Virginia would be an improvement. Accordingly, the Applicant (see Revised Concept Plan Plat) is offering to plant a modified rear buffer with a mix of holly and leyland cypress. Also, at such time as the property to the north of the subject property is developed within 100' of the subject property, the Applicant will construct, or cause to be constructed, a board on board fence at least 6' high along the northern boundary of the subject property. The Applicant will commit to the altered landscape plan as depicted on the Revised Concept Plan.

Staff Comment: **Staff recommends revising the Concept Plan to show pedestrian access from the parking area to the building.**

Applicant's Response: *The Applicant will comply with this request by delineating appropriate pedestrian access to the building on the surface of the parking lot asphalt. A graphic has been added to the Concept Plan to reflect this response. The proposed pedestrian access follows the only feasible location*

Staff Comment: **Staff recommends including a sufficient number of bicycle racks in support of non-vehicular modes of transportation to this project. Staff further recommends the applicant consider the provision of showers, clothing lockers, and changing rooms.**

Applicant's Response: *The Applicant has added a bicycle rack in front of the building as indicated on the Revised Concept Plan. After consideration, the Applicant finds it impractical to add showers, clothing lockers, and changing rooms to its building and notes that the office uses proposed will, in all probability, be divided into a number of relatively small spaces. It would be extremely impractical to provide showers, clothing lockers, and changing rooms for each of these relatively small spaces.*

Staff Comment: **Staff recommends the applicant commit to lighting that is directed downward and shielded to eliminate glare and light trespass.**

Applicant's Response: *The Applicant will comply with this request. The subject building already has in place non-glare lighting, which is affixed to the outside walls of the building. The Applicant will affix the same type of fixture to the rear of the building to accommodate the additional parking area.*

Staff Comment: **Staff recommends the applicant commit to an infiltration area in the south central portion of the subject property as a way to offset the increased impervious surface (additional parking spaces) proposed with the project.**

Applicant's Response: *In response to Staff comment, the Applicant has revised the Concept Plan to show a filtera water quality treatment in the south east corner of the property.*

Staff Comment:

Staff recommends the applicant identify and provide information regarding the preservation of existing vegetation. Staff defers to the Environmental Review Team for recommendations regarding preservation of designated Tree Conservation Areas. Staff further recommends a Professional Forester or Certified Arborist survey the proposed development to ensure the proposed parking area will not impact the critical root zone of vegetation on the property to the north.

Applicant's Response:

As stated above, the Applicant has met on the site with the Project Planner, the Zoning Department representative, and the County's Urban Forester. Agreement was reached at that meeting that while certain existing vegetation, together with newly planted evergreens, would constitute the rear yard tree buffer, it would not be appropriate to designate a tree save area as such at this location. The tree plantings and future fence shown on the Revised Concept Plan reflect this agreement.

APPLICATION OF CALVIN O. COX, TRUSTEE

FOR LOUDOUN WOODLAND ROAD JOINT VENTURE

ZMAP 86-22

PROFFER STATEMENT

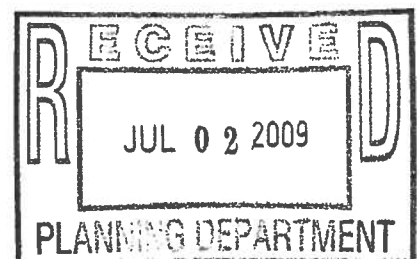
Pursuant to Section 15.1-491 (a) of the Code of Virginia (1950 as amended), and Sections 1202.1 and 540 and 540.1 through 540.15, inclusive of the zoning Ordinance of Loudoun County, Virginia, Calvin O. Cox, Trustee, herein called "applicant", on behalf of Loudoun Woodland Road Joint Venture, owners of Tax Map 81 B-1, parcels 13, 13A, 8, 9, 10, 10A, 11, 12 and Tax Map 81 B-2, parcels 8B, 8, 7, 6C and 9, hereby proffer that said parcels of land as shown on the Loudoun County tax maps, will be developed in accordance with the following conditions, if and only if rezoning application 86-22 is granted and the property is rezoned to PD-GI (Planned Development - General Industrial). These proffers shall immediately be null and void and of no further force or effect if said properties are not rezoned PD-GI. The applicant, all owners, their successors and assigns, (herein collectively referred to as "applicant") voluntarily proffer as follows:

(1) All proposed roads for this development will be designed and constructed to VDOT standards.

(2) The applicant shall develop the property in substantial conformance with the Concept Plan prepared by Bengston, DeBell, Elkin & Titus, Consulting Engineers dated February 24, 1984 and revised on July 1, 1987, and as further amended by that Concept Plan prepared by Metropolitan Consulting Engineers, dated 6/25/08, and revised February 10, 2009.

ATTACHMENT 5

07/02/09



A-59

(3) Applicant will design and construct the road improvements and dedicate the hereinafter described right of way for Woodland Road, which shall be a U4 section road, from Route 637 to the proposed Cul-De-Sac located on the westerly boundary of the subject properties, as shown on the Concept Plan. Further, said road shall be dedicated, designed and constructed to the northwesterly corner of the northwesterly most parcel of this project. Such construction shall be concurrent with the development of each individual parcel adjacent to said road; except however, applicant shall dedicate, design and construct all or any remaining portion of said road to the westerly most boundary of this project, upon request of the County, in order to complete the construction of said road concurrently with the completion of construction of the connector road between the Route 28 east service road and this project.

(4) Applicant and all owners will dedicate for public use a 70 foot wide on-site right-of-way from the properties fronting along Woodland Road.

The applicant shall make every effort to obtain the necessary off-site fee simple right of way through purchase, but where such right of way cannot be obtained voluntarily, either through purchase by the applicant or through proffers or dedication to the County, the applicant will work with the County to obtain such right of way by appropriate eminent domain proceedings by the County, (or

state) the initiation of which shall be at the discretion of the County.

Applicant shall reimburse and hold the County of Loudoun harmless from all costs involved in the use of its power of eminent domain in acquiring fee simple title to off-site properties needed for the improvement of Woodland Road.

Applicant shall reimburse the County of Loudoun for all appraisal fees, expert witness fees, attorneys fees, court costs and the sum paid by agreement or pursuant to such eminent domain proceedings.

(5) The applicant waives and relinquishes the right to apply for the following permissible uses allowed pursuant to Section 723.3.2 of the Loudoun County Zoning Ordinance, as amended: auto graveyard/junkyard, private or commercial airport, heliport, borrow pit for road construction, bulk storage of gas, petroleum products, natural gas, livestock sales and auctions, sewage disposal and water treatment plant, asphalt mixing plant and concrete mixing plant.

(6) The applicant shall not use the subject property for "commercial office building" uses (except accessory commercial office uses as a part of permitted principal uses in conformance with the Loudoun County Zoning Ordinance), radio and television broadcasting and relay stations, even though said uses are defined as permitted uses pursuant to the Loudoun County Zoning Ordinance, unless

the applicant applies for and receives the approval of the Board of Supervisors of Loudoun County for a special exception for such uses. The prohibition against commercial office use shall not apply to Lot 10A, Section Two, Woodland Road Industrial Park (PIN # 302-80-542).

(7) During the site development process the applicant shall designate and preserve in its natural state, to the extent possible, the existing wooded areas located on the subject properties in conformance with good land planning and development practices, and subject to County review and approval.

(8) The Applicant shall connect and/or extend to the public sewer and water systems at the time of development. Any water or sewer line extensions for this project will be provided solely at private expense of the applicant or others and that the County of Loudoun and the Loudoun County Sanitation Authority shall have no responsibility for the cost of such extensions, except as may be reimbursed under any pro-rata share agreement.

The applicant shall make every effort to obtain the necessary off-site easement through purchase but where such easement cannot be obtained voluntarily, either through purchase by the applicant or through proffers or dedication to the County, the applicant will work with the County to obtain such easements by appropriate eminent domain proceedings by the County, (or State) the initiation of which shall be at the discretion of the County.

Applicant shall reimburse and hold the County of Loudoun and/or the Loudoun County Sanitation Authority

harmless from all costs involved in the use of its power of eminent domain in acquiring the necessary water and sewer easements, including but not limited to appraisal fees; expert witness fees, attorneys fees, court costs and any sum paid by agreement or pursuant to such eminent domain proceedings.

(9) The applicant shall make a one time contribution of \$.05 per FAR foot (as defined in Section 720.2.1 of the Loudoun County Zoning Ordinance) of each building constructed on subject property to the Loudoun County Board of Supervisors for distribution to the servicing fire department; and \$.05 per FAR foot of each building constructed on subject property to the servicing rescue service. This donation will take place at the time of issuance of zoning permits for the construction of improvements on the subject properties. In addition, the applicant shall annually contribute an amount equal to \$.02 per FAR foot (\$.01 for fire and \$.01 for rescue) payable to the County of Loudoun, until such time as fifty percent or more of the combined capital and operating expense of such fire and rescue services, respectively, are paid for out of either the general funds of the County or from revenues from a special taxing district or other such special assessment to which owners of the subject property are required to contribute, at which time said annual contribution shall cease and provided further that such annual \$.01 contributions are made available to volunteer fire and

rescue units assigned to first or second call to the subject property.

(10) Emergency vehicle access shall be provided for during the construction stages.

Applicant shall provide access to construction sites and erect temporary street signs during construction.

(11) Applicant shall implement the buffer treatments as shown on the revised concept Plan dated February 24, 1987 as protection for the existing and future uses of adjacent properties, as further revised on that Concept Plan prepared by Metropolitan Consulting Engineers dated 6/25/08 and revised February 10, 2009.

(12) The applicant shall provide a storm water management plan, consisting of hydrology and preliminary engineering for the entire site, which shall be submitted for County approval at the time of any grading plans for permit requests, preliminary subdivision plan and/or preliminary site plan, whichever comes first. The system shall include erosion controls and on-site detention of storm water runoff.

(13) The applicant shall comply with parking standards of one (1) space per 800 net square feet for warehouse uses and one (1) space per 275 net square feet for office uses.

(14) The applicant shall provide an automated sprinkler system and smoke and heat detectors in all new habitable buildings.

(15) All commercial repair garage uses (except as a permitted accessory use as allowed by the County Zoning

Ordinance) on the subject property shall comply with the
Following standards:

- a. a. no buildings shall be free standing
structures, and
- b.
- c. b. the maximum square footage allowed in each
building shall be 15,000 net square feet per use.

(16) If applicant should subsequently file an application
for a special exception seeking approval of yards for storage of coal,
lumber, building materials and contractors equipment, he agrees to
address but not limited to the following factors in the application,
namely, size, screening, fire protection, height of storage materials,
buffering, and traffic flow.

The applicant and all owners respectfully represent that they
have full authority to make these Proffers and to execute this document
and that these Proffers are voluntarily entered into by them and shall
be binding on all owners, heirs, successors and assigns.

Given under my hand this 24 day of September 1987.

LOUDOUN WOODLAND ROAD JOINT VENTURE

By Calvin O. Cox
Calvin O. Cox, Trustee

By James V. Kinsey
James V. Kinsey, Trustee

STATE OF VIRGINIA AT LARGE
COUNTY OF Loudoun, To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by Calvin O. Cox, Trustee for Loudoun Woodland Road Joint Venture.

My commission expires: 4/4/89
Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF Loudoun, To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by S. D. Elmore, Trustee.

My commission expires: 4/4/89
Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF Loudoun, To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by D. L. Jackson, Trustee.

My commission expires: 4/4/89
Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF Loudoun, To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by Robert R. Owens, Trustee.

My commission expires: 4/4/89
Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF Loudoun, To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by Calvin O. Cox, Trustee for Woodland Road Joint Venture.

My commission expires: 4/4/89

Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF LOUDOUN, To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by Dr. Jai N. Gupta and Shashi A. Gupta, his wife.

My commission expires: 4/4/89

Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF LOUDOUN To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by F. Leith Boggess, Partner of BHM & G Investments.

My commission expires: 4/4/89

Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF LOUDOUN To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by Ernest R. Morris and Thelma C. Morris, his wife.

My commission expires: 4/4/89

Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF LOUDOUN To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by Karl F. Jorss, Jr., General Partner of K.P.C., a Virginia Limited Partnership.

My commission expires: 4/4/89

Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF Loudoun, To-wit:

The foregoing instrument was acknowledged before me this 24th day of September, 1987, by Calvin O.Cox and Robert R. Owens, Trustees for Sterling Joint Venture.

My commission expires: 4/4/89

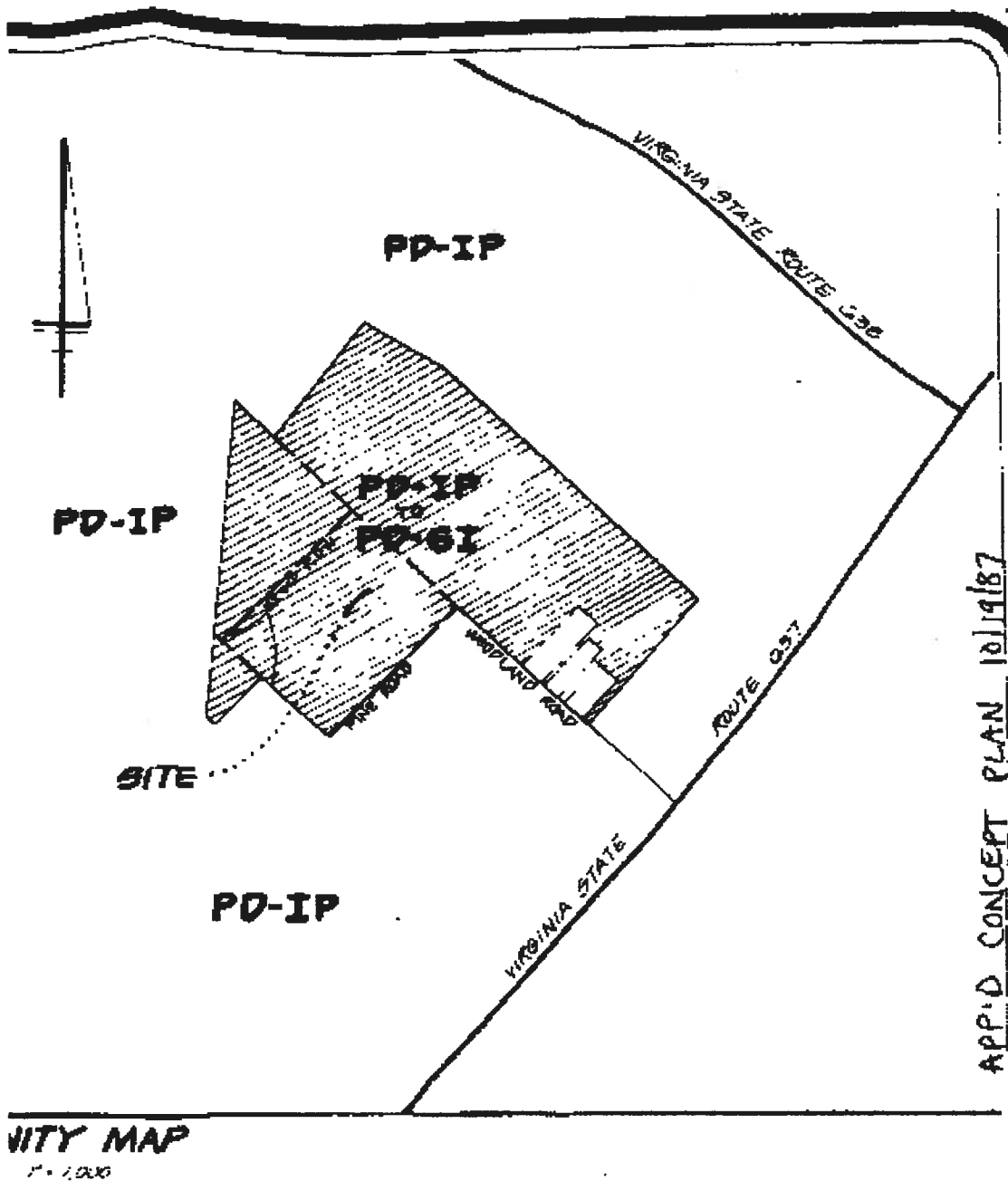
Signature
Notary Public

STATE OF VIRGINIA AT LARGE
COUNTY OF FAIRFAX, To-wit:

The foregoing instrument was acknowledged before me this 5th day of October, 1987, by James V. Kinsey, Trustee for Loudoun Woodland Road Joint Venture.

My commission expires: 4/4/89

Virginia Linger
Notary Public



DATE FEB 24, 1987
SCALE 1" = 200'

CONCEPT PLAN
FOR
TAI OAKS SUBDIVISION

REVISIONS
1 BUFFER WIDTHS

CITY MAP
1" = 200'

1" = 200'